

Sir: Your Committee on Engrossed Bills, have carefully compared Senate Bill No. 88, and find same correctly engrossed.

SMITH, Acting Chairman.

Committee Room,  
Austin, Texas, January 29, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills, have carefully compared Senate Bill No. 68, and find same correctly engrossed.

SMITH, Acting Chairman.

#### Enrolling Committee Report.

Committee Room,  
Austin, Texas, January 29, 1915.  
Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills, have carefully examined and compared Senate Bill No. 1, and find it correctly enrolled, and have this day at 2:20 o'clock p. m., presented same to the Governor for his approval.

DARWIN, Chairman.

#### FIFTEENTH DAY.

Senate Chamber,  
Austin, Texas,  
Monday, February 1, 1915.

The Senate met at 1:30 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answered to their names:

Astin.	King.
Bailey of DeWitt.	Lattimore.
Bailey of Harris.	McGregor.
Brelsford.	McNealus.
Clark.	Morrow.
Conner.	Nugent.
Cowell.	Page.
Darwin.	Parr.
Gibson.	Robbins.
Hall.	Smith.
Harley.	Suiter.
Harris.	Townsend.
Henderson.	Wiley.
Johnson.	

Absent—Excused.

Bee.	Westbrook.
Hudspeth.	

Prayer by the Chaplain.

Pending the reading of the Journal of Friday, the same was dispensed with, on motion of Senator Johnson.

#### Excused.

On account of important business, Senator Bee, for today, on motion of Senator Bailey of DeWitt.

Senator Westbrook, for non-attendance Friday and today, on motion of Senator Townsend.

Senator Brelsford, for non-attendance for all of last week, on motion of Senator Harley.

See Appendix or Standing Committee Reports and Petitions and Memorials.

#### Bills and Resolutions.

By Senator Bailey of Harris:

S. B. No. 183, A bill to be entitled "An Act relating to the petroleum industry, defining and regulating common carriers of oil, creating the Petroleum Commission and the office of Commissioner of Petroleum, and defining their powers and duties, defining the powers of corporations organized under the laws of this State and engaged in transporting oil by pipe line and in refining and marketing petroleum, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senator Wiley:

S. B. No. 184, A bill to be entitled "An Act to amend Article 2774, Chapter 13, Title 48, Revised Civil Statutes of the State of Texas, 1911, entitled 'Manner of Taking Census;' requiring superintendent of public instruction to appoint a census trustee of the school district; requiring census trustee to take census; enumerating all children within the district not under seven nor over twenty-one years of age on the fifth day of the following September, and to make returns; prescribing duties of census trustee; imposing certain duties and obligations on the census trustee, and declaring an emergency.

Read first time and referred to Committee on Educational Affairs.

By Senators Wiley and Hall:

S. B. No. 185, A bill to be entitled "An Act to amend Chapter 6, Title

115, of the Revised Statutes of Texas of 1911, by adding thereto Article 6464-A, providing for the decrease of the capital stock of railroad corporations."

Read first time and referred to Committee on Internal Improvements.

By Senator Hudspeth:

S. B. No. 186, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the County Court of Sterling County; to conform the jurisdiction of the district court thereto, and to repeal all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Hudspeth:

S. B. No. 187, A bill to be entitled "An Act to create and establish the County of Buchel, taken from the existing territory of Brewster County, prescribing its area and boundaries, appointing commissioners to organize said county, and prescribing their duties; providing for a division of said county into commissioners and justices' precincts; providing for holding county and precinct elections, providing for the attachment of said county to judicial, representative, senatorial and congressional districts for the assessment and collection of taxes, and for the defraying the expenses of organizing said county, and for the new county to pay its pro rata share of the debt of the county from which it is taken; designating Marathon as the county seat; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on County and County Boundaries.

By Senator Henderson:

S. B. No. 188, A bill to be entitled "An Act to amend Article 6594, Chapter 10, Title 115, Revised Civil Statutes of 1911, so as to provide that the same will not apply to flag stations where trains carrying passengers are stopped on signal, or otherwise, to take or put off passengers."

Read first time and referred to Committee on Internal Improvements.

By Senator Henderson:

S. B. No. 189, A bill to be entitled "An Act to amend Article 6591,

Chapter 10, Title 115, Revised Civil Statutes of the State of Texas, 1911, so as to provide that said article shall not apply to flag stations, where a stop is made on signal, or otherwise, to take on or put off passengers, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Robbins:

S. B. No. 190, A bill to be entitled "An Act providing for the investigation and management of hotels, rooming houses and apartment houses; defining hotels, rooming houses and apartment houses; providing for fire escapes and providing penalties and remedies; providing for an appropriation, and declaring an emergency."

Read first time and referred to Committee on Public Health.

By Senator McNealus:

S. B. No. 191, A bill to be entitled "An Act providing that any corporation organized under the laws of this State, authorized to construct, acquire and operate electric railways, commonly known as interurban railways, shall have power to purchase, or may join with any other individual, firm or corporation in constructing, leasing, owning, using or maintaining any other electric line of railway upon such terms as may be agreed upon between such persons, or the directors of the corporation, upon such terms as the respective person, firms or corporations may agree, and to provide the manner thereof."

Read first time and referred to Committee on Internal Improvements.

By Senator Nugent:

S. B. No. 192, A bill to be entitled "An Act amending Articles 627, 628, 629, 630 and 631 of Chapter 2, Title 18, Revised Civil Statutes of 1911, relating to the issuance of bonds for the purpose of constructing and maintaining and operating macadamized, graveled or paved roads and turnpikes, or in aid thereof, so as to provide for the revocation and cancellation of unsold bonds by popular vote in the same manner as such bonds may originally have been provided, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senator Bee:

S. B. No. 193, A bill to be entitled "An Act to amend Article 7608, Article 7610, Title 126, Chapter 13, of the Revised Statutes of Texas, relating to the bonds of county collectors, and repealing all laws in conflict therewith, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senator Johnson:

S. B. No. 194, A bill to be entitled "An Act to increase the civil jurisdiction of the County Courts of Hemp-hill and Collingsworth Counties, and declaring an emergency."

Read first time and referred to Committee on Counties and County Boundaries.

#### Simple Resolution No. 55.

By Senator Townsend:

I move that S. B. No. 134 be re-committed to the Committee on Internal Improvements, to the end that the authors of the bill may be heard thereon.

The above was read, and Senator Townsend asked for unanimous consent to consider the same at this time, but there was objection, and,

Senator Townsend moved to suspend the order of "Bills and Resolutions" for the purpose of considering the resolution at this time.

Pending discussion by Senator Townsend of the motion to take up the resolution, Senator King made the point of order that the amended rule provided that the "motion to take up" was to be acted on without debate.

The Chair sustained the point of order.

Senator Brelsford moved to table the motion to take up the resolution.

Senator Lattimore made the point of order that the rules prescribed a method by which a resolution could be considered, and that a motion to table the motion was not debatable.

The Chair sustained the point of order and Senator Brelsford withdrew the motion to table.

Pending further discussion the Chair held that the motion to table was in order, but the motion to table was not debatable. Senator Darwin, who had made a motion to table the motion to take up, withdrew the motion to table.

Pending further discussion, action recurred on the motion to take up the resolution at this time, and the same was adopted by the following vote:

Yeas—18.

Astin.	Johnson.
Bailey of Harris.	King.
Conner.	Lattimore.
Cowell.	McNealus.
Darwin.	Nugent.
Gibson.	Parr.
Hall.	Smith.
Harley.	Suiter.
Harris.	Townsend.

Nays—7.

Bailey of DeWitt.	Page.
Brelsford.	Robbins.
Henderson.	Wiley.
Morrow.	

Absent.

Clark.	McGregor.
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Absent—Excused.

Bee.	Westbrook.
Hudspeth.	

Action recurred on the resolution and the same was adopted.

Note: The committee report, as filed this day on S. B. No. 134, was also withdrawn.

#### Simple Resolution No. 56.

By Senator Townsend:

I move that Senate Rule No. 36 be repealed.

The resolution was read and referred to Committee on Rules.

#### Messages From the Governor.

Governor's Office,  
Austin, Texas, January 30, 1915.

To the Texas Senate:

I ask the advice and consent of the Senate to the following appointments:

To be members of the Board of Regents of the State University:

Dr. Geo. S. McReynolds, of Bell County.

Dr. S. J. Jones, of Bell County.

Dr. M. Faber, of Smith County.

To be members of the Board of Managers of the Agricultural and Mechanical College:

B. A. Riesner, of Harris County.  
J. R. Kubena, of Fayette County.  
Will A. Miller, of Potter County.

To be members of the State Library Commission:

Hugh Fitzgerald, of Tarrant County.

Mrs. Joseph B. Dibrell, of Guadalupe County.

Mrs. John G. McKay, of Bell County.

To be members of the Board of Managers North Texas Hospital for the Insane:

Jas. S. Grinnan, of Kaufman County.

Thos. B. Griffith, of Kaufman County.

Virgil Hattie, of Kaufman County, in place of A. R. Andrews, resigned.

To be members of Board of Regents Normal Schools:

Jas. S. Kendall, of Dallas County.

A. B. Martin, of Swisher County.

To be members of Governing Board of Experimental Stations:

Will H. Mayes, of Brown County.

P. L. Downs, of Bell County.

J. R. Boog-Scott, of Coleman County.

Charles Rogan, of Travis County.

To be members of Board of Central Girls' Training School:

Patrick Henry, of Tarrant County.

Mrs. Kate M. Rotan, of McLennan County.

Mrs. W. V. Galbreath, of Tarrant County (re-appointed).

To be members of Board of Managers of Orphans' Home, Corsicana:

Jas. S. Calicutt, of Navarro County.

Mat Young, of Navarro County.

To be members of Board Confederate Woman's Home:

W. S. Lemly, of Bell County.

Stanton Allen, of Bell County.

To be members of Board of Public Weighers, Galveston:

Captain E. K. Marrast.

O. R. Hoecker.

J. F. Blaeckle.

C. M. Wolston.

J. E. Labuzan.

To be members of Board of Managers Lunatic Asylum, Austin:

George Sutton, of Williamson County.

Hugh Hill, of Travis County.

J. D. Moore, of Travis County, in place of J. R. Kubena, resigned.

Respectfully submitted,  
JAS. E. FERGUSON,  
Governor.

Governor's Office,

Austin, Texas, January 30, 1915.

To the Texas Senate:

I respectfully ask the advice and consent of the Senate to the appointment of John F. Onion, Jr., of Bexar County, to be Assistant District Attorney of said county.

Respectfully submitted,

JAS. E. FERGUSON,

Governor.

Governor's Office,

Austin, Texas, January 30, 1915.

To the Texas Senate:

I ask the advice and consent of the Senate to the following appointments:

To be members of the Board of Public Weighers, Houston:

C. P. Reynaud.

John D. Woolford.

A. Coles.

Wm. Edmondson.

David Rice.

To be members of the Board of Pilot Commissioners, Houston:

E. J. Hussion.

W. E. Humphreville.

Thomas Kefoe.

A. N. Latham.

Pat Foley.

Respectfully submitted,

JAS. E. FERGUSON,

Governor.

Governor's Office,

Austin, Texas, February 1, 1915.

To the Texas Senate:

I ask the advice and consent of the Senate to the following appointments:

To be members of the Board of Managers State Lunatic Asylum, at Austin:

George Sutton, of Williamson County.

John T. Smith, of Travis County.

J. D. Moore, of Travis County.

To be members of the Board of Managers of the State Blind Institute, at Austin:

Ed Gelson, of Hays County.

H. S. Lawson, of Travis County.

To be members of the Board of Managers State Deaf and Dumb Institute, at Austin:

Joe Koen, of Travis County.

Sid Nolan, of Travis County.

To be members of the Board of Managers of Deaf, Dumb and Blind Institute, Colored:

J. A. Patton, of Travis County.

Wash T. Maderis, of Travis County.

To be members of the Board of Managers of State Confederate Home:

John S. Pannell, of Travis County.  
S. F. Evans, of Williamson County.

Respectfully submitted,  
JAS. E. FERGUSON,  
Governor.

#### Executive Session—Time Set For.

Senator Lattimore moved that the Senate go into Executive Session Wednesday at 2 o'clock for the purpose of considering the above appointments by the Governor.

The motion was adopted.

#### Senate Bill No. 96.

Senator Lattimore called up from the table.

S. B. No. 96, A bill to be entitled "An Act to amend Sections 1, 2, 3 and 5, of Chapter 35, Acts of the Twenty-ninth Legislature, which is an Act to regulate the sale of cocaine and other drugs; to regulate the issuance of prescriptions for such drugs; to require persons selling such drugs upon prescriptions to file same, and to provide that nothing in this Act shall prevent the sale of certain preparations containing not more than two grains of opium, one-eighth grain of morphine, two grains of chloral hydrate and one-sixteenth grain of cocaine, in one fluid ounce, and to provide penalties for the violations thereof, and repealing all laws in conflict herewith, and providing for an emergency."

The following amendment by Senator Morrow was pending:

Amend the bill, page 2, line 28, by striking out all of said line and all of lines 29, 30, 31 and 32.

The following substitute for the amendment, by Senator Wiley, was pending:

Amend the bill, page 2, lines 31 and 32, as follows:

Insert a period after the word "employee," in line 31, and strike out the words "in towns and cities of 5,000 inhabitants, or more, thereof," in lines 31 and 32.

Action recurred on the substitute, and the same was lost by the following vote:

Yeas—5.

Clark.	Townsend.
Darwin.	Wiley.
Robbins.	

Nays—18.

Astin.	Johnson.
Bailey of DeWitt.	King.
Brelsford.	Lattimore.
Cowell.	McNealus.
Gibson.	Morrow.
Hall.	Page.
Harley.	Parr.
Harris.	Smith.
Henderson.	Suiter.

Present—Not Voting.

Bailey of Harris. Conner.

Absent.

McGregor. Nugent.

Absent—Excused.

Bee. Westbrook.  
Hudspeth.

Senator Henderson offered the following substitute for the amendment:

Amend, by adding, after the word "thereof," in line 32, page 2, by adding, after said word, the following, "but it shall not be unlawful for any lawful practitioner to in good faith administer to his patients any of the above medicines when, in his judgment, it is necessary to do so."

On motion of Senator Johnson, the substitute was tabled.

Action recurred on the amendment by Senator Morrow, and the same was lost by the following vote:

Yeas—10.

Astin.	Hall.
Bailey of DeWitt.	King.
Bee.	Morrow.
Brelsford.	Nugent.
Darwin.	Page.

Nays—11.

Conner.	Parr.
Harris.	Smith.
Henderson.	Suiter.
Johnson.	Townsend.
Lattimore.	Wiley.
McNealus.	

Present—Not Voting.

Bailey of Harris. Gibson.

**Absent.**

Cowell. Robbins.  
McGregor.

**Absent—Excused.**

Hudspeth. Westbrook.

**Pairs Recorded.**

Senator Harley (present), who would vote aye; Senator Clark (absent), who would vote no.

Senator Lattimore offered the following amendment:

Amend the bill, page 1, line 13, of caption, by striking out the word "one-eighth," and inserting "one-quarter," and in line 14 of caption, inserting, after the word "cocaine," the following, "and not more than one-eighth grain of heroin or more than one grain of codeine, or any salt or derivative of them," and by inserting, in line 24, after the word "opium," the following, "or any heroin or preparation containing same, or any codeine, or preparation containing same."

The amendment was read and adopted.

Senator Suiter offered the following amendment, which was read and adopted:

Amend S. B. No. 96, by inserting, in line 19, page 2, after the word "practitioner," the words "of medicine or."

Senator Wiley offered the following amendment:

Amend the bill by inserting the following, as Section 3, and renumber all following Sections:

"Section 3. It shall be unlawful for any person to have in his or her possession any of the above named drugs, their alkaloids, salts, or any derivative or mixture of such drugs, except he shall be able to show to the proper authorities that such drug, alkaloid, salt, derivative, or mixture has been prescribed for him or her, according to the provisions of this law. It shall be unlawful for any person to have in his or her possession a greater quantity of such drug, alkaloid, salt, derivative, or mixture than the amount provided for in the legitimate dispensing of such drug mixture. The fact of possession of any such drug, alkaloid, salt, derivative, or mixture, except as provided above, shall be prima facie evidence

of the violation of this law on the part of the possessor."

On motion of Senator Lattimore, the amendment was tabled.

The bill was read second time, and passed to engrossment.

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 96 put on its third reading and final passage by the following vote:

**Yeas—21.**

Astin.	Henderson.
Bailey of Harris.	Johnson.
Bee.	King.
Brelsford.	Lattimore.
Clark.	McNealus.
Conner.	Nugent.
Cowell.	Page.
Darwin.	Parr.
Gibson.	Suiter.
Hall.	Townsend.
Harley.	

**Nay—1.**

Wiley.

**Present—Not Voting.**

Bailey of DeWitt. Harris.

**Absent.**

McGregor. Robbins.  
Morrow. Smith.

**Absent—Excused.**

Hudspeth. Westbrook.

The bill was laid before the Senate, read third time, and passed by the following vote:

**Yeas—21.**

Astin.	Johnson.
Bailey of Harris.	King.
Bee.	Lattimore.
Clark.	McNealus.
Conner.	Nugent.
Cowell.	Page.
Darwin.	Parr.
Gibson.	Smith.
Hall.	Suiter.
Harris.	Townsend.
Henderson.	

**Nay—1.**

Bailey of DeWitt. Morrow.  
Harley. Wiley.

**Absent.**

Brelsford. Robbins.  
McGregor.

## Absent—Excused.

Hudspeth. Westbrook.

Senator Lattimore moved to reconsider the vote by which S. B. No. 96 was passed and table the motion to reconsider.

The motion to table prevailed.

## Message from the House.

Hall of the House of Representatives.  
Austin, Texas, February 1, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 48, A bill to be entitled "An Act to amend Chapter 68 of the General Laws of the Thirty-second Legislature and Chapter 154 of the Thirty-third Legislature, and to provide that sand and other deposits taken for the raising of the grade of the salt flats in the northern part of Corpus Christi and the lowlands lying north of the north boundary lone of the city of Corpus Christi, in Nueces County, Texas, shall be exempt from the provisions of said Chapter 68, and declaring an emergency."

H. B. No. 104, A bill to be entitled "An Act to amend Article 3136, Chapter 19, Title 49, of the Revised Civil Statutes of Texas, of 1911, by making it an additional duty of the Secretary of State to certify all nominations for district officers to the various county clerks."

H. B. No. 127, A bill to be entitled "An Act to amend Articles 586 and 587 of the Penal Code adopted in 1911, so as to provide penalty for betting on all public elections, and defining public elections, and declaring an emergency," with engrossed rider.

H. B. No. 154, A bill to be entitled "An Act amending Title 22, Chapter 1, Revised Civil Statutes, 1911, providing that any incorporated city, town or village in this State containing six hundred inhabitants or over, including those incorporated under Chapter 2 of this title and other laws, general and special, may accept the provisions of this title."

H. B. No. 209, A bill to be entitled "An Act to prohibit contributions of corporations in behalf of or against any candidate or measure, and pre-

scribing certain rules and regulations governing contributions made by other persons to any campaign fund."

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

## House Bills Referred.

The Chair, Lieutenant Governor Hobby, referred, after their captions had been read, the following House bills, received today:

H. B. No. 48, referred to Committee on Public Lands and Land Office.

H. B. No. 104, referred to Committee on State Affairs.

H. B. No. 127, referred to Committee on State Affairs.

H. B. No. 154, referred to Committee on Towns and City Corporations.

H. B. No. 129, referred to Committee on Privileges and Elections.

## Senate Bill No. 157—Made Special Order.

On motion of Senator McNealus, S. B. No. 157 was made a special order for Wednesday, following the conclusion of the morning call.

## Senate Bill No. 29.

Senator Bailey of DeWitt called for S. B. No. 29, which was on the table subject to call.

The Chair laid before the Senate, on second reading.

S. B. No. 29, A bill to be entitled "An Act to amend Title 9, Chapter 4, Articles 884 and 885, Code of Criminal Procedure: To provide for the place where judgments of death by electrocution shall take place; and providing for the erection of houses or necessary arrangements to be made for execution; providing for transfer of convicts after death penalty has been rendered pending the carrying into effect of said judgments; and providing for the maintenance of said convicts pending the execution of said judgments, and declaring an emergency."

The committee report, with following (committee) amendment, was read and adopted:

Amend Article 885b by adding after the words "allowed by law in felony cases" the words "and also the actual expenses of one guard accompanying him, in conveying said prisoner to Huntsville, which fees and expenses shall be paid by the State."

Senator Wiley offered the following amendment:

Amend the bill by adding Article 885c, to read as follows:

"885c. The jury that convicted the felon shall attend the electrocution, and shall be paid the sum of two dollars per day each for the time consumed in attending the electrocution and all necessary and actual expenses incurred in making the trip."

The amendment was read and, on motion of Senator Henderson, was tabled.

Senator Henderson offered the following amendment, which was read and adopted:

Amend the bill, line 10, page 2, by adding after the word "law," "to the penitentiary agent for carrying prisoners to the penitentiary."

Senator Lattimore offered the following amendment, which was read and adopted:

Amend bill, page 1, line 23, by striking out word "penitentiary" and inserting the word "prison."

The bill was read second time and passed to engrossment by the following vote:

Yeas—17.

Astin.	Harley.
Bailey of DeWitt.	Henderson.
Bee.	Johnson.
Brelsford.	King.
Clark.	McNealus.
Cowell.	Parr.
Darwin.	Smith.
Gibson.	Suiter.
Hall.	

Nays 7.

Bailey of Harris.	Nugent.
Conner.	Townsend.
Harris.	Wiley.
Lattimore.	

Present—Not Voting.

Page.

Absent.

McGregor.	Robbins.
Morrow.	

Absent—Excused.

Hudspeth.	Westbrook.
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On motion of Senator Bailey of DeWitt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 29 put on its third reading and final passage by the following vote:

Yeas—25.

Astin.	Henderson.
Bailey of DeWitt.	Johnson.
Bailey of Harris.	King.
Bee.	Lattimore.
Brelsford.	McNealus.
Clark.	Nugent.
Conner.	Page.
Cowell.	Parr.
Darwin.	Robbins.
Gibson.	Smith.
Hall.	Suiter.
Harley.	Townsend.
Harris.	

Nays—1.

Wiley.

Absent.

McGregor.	Morrow.
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Absent—Excused.

Hudspeth.	Westbrook.
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The bill was laid before the Senate, read third time, and passed.

Senator Bailey of DeWitt moved to reconsider the vote by which S. B. No. 29 was passed and table the motion to reconsider.

The motion to table prevailed.

### Senate Bill No. 38.

(By unanimous consent.)

The Chair laid before the Senate, on second reading,

S. B. No. 38, A bill to be entitled "An Act to change and prescribe the time for holding district courts in the Third Judicial District for the State of Texas; to conform all writs and process from such courts to such changes, including recognizances and bonds to such changes, and to repeal all laws in conflict herewith, and declaring an emergency."

The committee report, that the bill be not printed, was read and adopted.

The bill was read second time and passed to engrossment.



On motion of Senator Robbins, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 38 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey of DeWitt.	Johnson.
Bailey of Harris.	King.
Bee.	Lattimore.
Brelsford.	McNealus.
Clark.	Morrow.
Conner.	Nugent.
Cowell.	Page.
Darwin.	Robbins.
Gibson.	Smith.
Hall.	Suiter.
Harley.	Townsend.
Harris.	Wiley.
Henderson.	

Absent.

Astin.	Parr.
McGregor.	

Absent—Excused.

Hudspeth.	Westbrook.
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The bill was read third time, and Senator Robbins offered the following amendment:

Amend the caption by inserting after the word "courts" in line 2 of caption, the following: "In the various counties."

The amendment was read and adopted by the following vote:

Yeas—26.

Bailey of DeWitt.	Johnson.
Bailey of Harris.	King.
Bee.	Lattimore.
Brelsford.	McNealus.
Clark.	Morrow.
Conner.	Nugent.
Cowell.	Page.
Darwin.	Parr.
Gibson.	Robbins.
Hall.	Smith.
Harley.	Suiter.
Harris.	Townsend.
Henderson.	Wiley.

Absent.

Astin.	McGregor.
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Absent—Excused.

Hudspeth.	Westbrook.
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The bill, having been read third

time, was passed by the following vote:

Yeas—26.

Bailey of DeWitt.	Johnson.
Bailey of Harris.	King.
Bee.	Lattimore.
Brelsford.	McNealus.
Clark.	Morrow.
Conner.	Nugent.
Cowell.	Page.
Darwin.	Parr.
Gibson.	Robbins.
Hall.	Smith.
Harley.	Suiter.
Harris.	Townsend.
Henderson.	Wiley.

Absent.

Astin.	McGregor.
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Absent—Excused.

Hudspeth.	Westbrook.
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Senator Robbins moved to reconsider the vote by which S. B. No. 38 was passed, and table the motion to reconsider.

The motion to table prevailed.

#### Bills Signed.

The Chair, Lieutenant Governor Hobby, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 129, A bill to be entitled "An Act to amend Chapter 15, General Laws, passed by the First Called Session of the Thirty-second Legislature, amending Section 6, Chapter 3, of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-second Legislature, approved February 2, 1911, relative to a system of State, county and city depositories for State, county and city funds, and defining the duties of the State Treasurer as to the acceptance of the State, county, municipal, independent school district, common school district and road improvement district bonds as collateral security for deposits made in State depositories; by amending the aforesaid Act so that deposits in State depositories may be secured by bonds except by the depositories with corporations authorized to execute such bonds as sureties; prescribing the terms and conditions of such

bonds, authorizing recoveries thereon, and defining certain duties of the State Treasurer and the Attorney General with reference thereto; repealing all laws in conflict herewith, and declaring an emergency."

#### Senate Bill No. 123.

Senator Parr asked unanimous consent to make S. B. No. 123 a special order for Wednesday, February 10, after the conclusion of the morning call.

There was objection, and Senator Parr moved that the bill be made a special order for the date named.

#### Adjournment.

On motion of Senator King, the Senate, at 5:25 o'clock p. m., adjourned until 1:30 o'clock p. m. tomorrow.

#### APPENDIX.

##### Committee Reports.

Committee Room,  
Austin, Texas, January 30, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

S. B. No. 177, A bill to be entitled "An Act providing for the sanitation of bakeries, packing houses, slaughter houses, dairies, creameries, cheese factories, confectioneries, drug stores, restaurants, hotels, groceries, meat markets and all other places where food or drugs are prepared, manufactured, packed, stored, sold or distributed, and vehicles in which food is placed for transportation; regulating the health of operatives, employees, clerks, drivers, and all other persons working on the premises who handle the material from which food or drugs are prepared, or the finished product; defining food; regulating the wholesomeness of food manufactured, prepared, packed, stored, sold, distributed or transported, and defining the duties of the Dairy and Food Commissioner, and declaring an emergency,"

Have had the same under consideration, and I am instructed to re-

port the same back to the Senate with the recommendation that it do pass.

DARWIN, Chairman.

Committee Room,  
Austin, Texas, January 30, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

S. B. No. 146, A bill to be entitled "An Act for the prevention of the unnecessary destruction and extinction within the State of Texas of foxes, raccoons, minks, skunks and other fur-bearing animals; and providing appropriate penalties,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

DARWIN, Chairman.

Committee Room,  
Austin, Texas, January 30, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

S. B. No. 147, A bill to be entitled "An Act to establish, maintain and operate in each county in Texas a free circulating library for the use of the citizens of such county; to provide for county library boards, defining their powers and duties, fixing the duties of county commissioners in the premises, making law operative in various counties when counties have voted same at local option elections, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

DARWIN, Chairman.

Committee Room,  
Austin, Texas, January 30, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

S. B. No. 135, A bill to be entitled "An Act granting permission to Lee Smith, Boyd Neilson, Arly Gilbert, or the parent or parents, or legal representatives or guardian or guardian ad litem, or next friend of said

persons, to bring suit in a district court of Tarrant County, Texas, for the purpose of ascertaining, adjudicating, fixing and establishing claims for damages against said State of Texas, arising out of injuries received by said Lee Smith, Boyd Neilson and Arly Gilbert, on or about July, 1912, as in said bill set forth, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

DARWIN, Chairman.

Committee Room,  
Austin, Texas, January 30, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred

S. B. No. 34, A bill to be entitled "An Act creating a State Employment Board, prescribing terms of office, election of members of board, requiring members of board to qualify and make bond, providing for organization, authorizing the board to make appointments, prescribing qualification of heads of departments, institutions, commissions and boards; providing for appointment of secretary of board, selecting office, requiring inspection of departments, commissions, boards and institutions; requiring reports, setting salaries, and providing expenses; fixing time of meeting of board; prescribing duties of board; disqualifying members of board for other position; preventing heads of departments, institutions, commissions and boards and employees of departments, institutions, commissions and boards becoming actively interested in the campaign of any other person; providing for removal from office; preventing members of board, heads of departments, institutions, commissions and boards or any employee taking part in campaign for office or position; providing penalties; repealing all laws and parts of laws in conflict, and prescribing an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

MORROW, Chairman.

Committee Room,  
Austin, Texas, January 30, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred

S. B. No. 98, A bill to be entitled "An Act to amend Article 3757, Title 54, Chapter 1, of the Revised Civil Statutes of 1911, of the State of Texas; to provide for the notice of sale of real estate under execution, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

MORROW, Chairman.

Committee Room,  
Austin, Texas, January 30, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred

S. B. No. 54, A bill to be entitled "An Act to amend Article 1731 of the Revised Civil Statutes of the State of Texas, with reference to the qualification of county judges in this State."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, and be not printed.

MORROW, Chairman.

Committee Room,  
Austin, Texas, January 30, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Judiciary No. 1, to whom was referred

S. B. No. 114, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

MORROW, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, January 30, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: A minority of your Committee on Judiciary No. 1, to whom was referred

S. B. No. 114, A bill to be entitled "An Act to amend Article 3658,

Chapter 2, Title 53, Revised Civil Statutes, 1911, so as to require officers commissioned to take depositions of witnesses to notify the parties of the suit."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment: Amend the bill by striking out the word "five," in the seventh line from bottom, and insert in lieu thereof the word "two."

MORROW, Chairman.

Committee Room,

Austin, Texas, January 30, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred

S. B. No. 168, A bill to be entitled "An Act to amend Article 1587 of the Revised Civil Statutes of 1911; to provide for the transfer of causes from the various courts of civil appeals, and providing the manner thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

MORROW, Chairman.

Committee Room,

Austin, Texas, January 30, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred

S. B. No. 173, A bill to be entitled "An Act to amend Subdivision 24 of Article 5049, Chapter 1, Title 104, of the Revised Civil Statutes of 1895, of the State of Texas, known as Section 15 of Article 7335, Chapter 1, Title 126, of the Revised Civil Statutes of 1911 of the State of Texas, and to prescribe a tax for menageries, wax works, side shows and exhibitions."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, because same is a revenue measure.

MORROW, Chairman.

Committee Room,

Austin, Texas, January 30, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred

S. B. No. 28, A bill to be entitled "An Act to amend Articles 1984a of the Revised Statutes of Texas, passed by the Thirty-third Legislature, and approved March 29, 1913, relating to trial courts submitting cases to the jury on special issues, and repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

MORROW, Chairman.

Committee Room,

Austin, Texas, January 30, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred

S. B. No. 15, A bill to be entitled "An Act to require the chairman of the county executive committee of any political party in this State to make due returns of the canvass of any election held to nominate party candidates; fixing the time in which such returns shall be made, and providing penalties for any such chairman who fails to discharge his duty as herein provided, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

MORROW, Chairman.

Committee Room,

Austin, Texas, January 30, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred

S. B. No. 171, A bill to be entitled "An Act to amend Article 2178, Chapter 24, Title 37, of the Revised Civil Statutes of the State of Texas, 1911, by adding thereto "damages for injury to live stock shipments or hay, hay stacks or grass destroyed by fire or injury to the turf where grass is destroyed by fire or the injury to or destruction of any fence,"

farm utensil or any farm product.'"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

MORROW, Chairman.

Committee Room,

Austin, Texas, January 30, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred

S. B. No. 84, A bill to be entitled "An Act to amend Article 2061 of Chapter 19, Title 37, of the Revised Civil Statutes of the State of Texas, 1911, as amended by Chapter 59 of the Laws of 1913, approved March 29, 1913, relating to the giving, refusing or qualifying instructions to the jury and reserving bills of exception, and declaring an emergency," and

S. B. No. 111, A bill to be entitled "An Act to amend Article 2061 of the 1911 Revised Civil Statutes of the State of Texas, as amended by Act approved March 29, 1913, General Laws of the Thirty-third Legislature, page 114, so as to require the ruling of the court in giving, refusing or qualifying of any instructions to the jury shall be regarded as approved unless excepted to, but it shall not be necessary to have a bill of exception, but the objections to the charge approved by the trial court, or the refusal to give any special charge, shall be considered as a sufficient bill of exception, and it shall not be necessary to encumber the record with separate bills of exceptions in the giving, refusing or qualifying any instruction to the jury by either party, and declaring an emergency."

Have had the said bills under consideration, and that they cover the same proposed amendment, and we hereby recommend that neither of said bills pass, but that the following committee substitute do pass:

By Committee. C. S. S. B. Nos.  
84, 111.

#### A BILL

To be entitled

An Act to amend Article 2061 of the Revised Civil Statutes of 1911, as amended by an Act of the Thirty-third Legislature, approved March 29, 1913, Acts of the Thirty-third

Legislature, page 114, so as to avoid the necessity of requiring bills of exception in certain cases, defining what such cases shall be, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2061 of the Revised Civil Statutes of the State of Texas of 1911, as amended by the Acts of the Thirty-third Legislature, page 114, approved March 29, 1913, be amended so as to hereafter read as follows:

Sec. 2. Article 2061. The action of the court in the giving, refusing or qualifying of instructions to the jury shall be regarded as excepted to in all cases; provided, that it shall not be necessary to present bills of exception to the action of the court in giving such charges or in refusing any special instructions requested by either party to the cause on trial, but the action of the trial court in giving, or refusing such charges noted on same and signed by the trial court and incorporated in the record, shall be considered by the appellate courts as if a full and complete bill of exceptions had been taken and presented and filed in due form.

Sec. 3. The fact that the law as now construed by the higher courts, necessarily encumbers the record at a great expense to litigants requiring separate bills of exceptions to all charges, and the further fact that many cases appealed are being disposed of upon technicalities, thereby depriving parties litigant of vested rights and preventing a decision upon the merits of the case, an emergency and imperative public necessity is created to make a suspension of the constitutional rule requiring bills to be read on three several days necessary, and said rule is hereby suspended, and this law shall take effect and be in force from and after its passage, and it is so enacted.

MORROW, Chairman.

Committee Room,

Austin, Texas, January 30, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred

S. B. No. 129, A bill to be entitled "An Act to amend Article 3759, Title 54, of the Revised Civil Statutes of Texas of 1911, regulating sales under deeds of trust, and providing for said sales and the method of giving

notice, and declaring an emergency,"

Have had the said bill under consideration, and report the same back to the Senate with the recommendation that it do pass, with the following amendments:

Amend said bill so that amended Article 3759 shall read as follows:

Article 3759. All sales of real estate made in this State under powers conferred by any deed of trust or other contract lien, shall be made in the county in which such real estate is situated, unless such real estate be situated in more than one county, in which event notices as herein provided shall be given in both or all of such counties; providing and giving notice that such sale will be made of such real estate in that one of said counties in which the greater portion of the real estate may be situated; if equal quantities of said land to be sold lie in different counties, said notice shall designate in which of said counties the sale is to be made. Notice of such proposed sale shall be given by posting written notice thereof in three public places in said county or counties, one of which shall be at the court house door of the county in which such sale is to be made, and if such real estate be in more than one county, one at the court house door of each county in which said real estate is situated, or such notice may be given as required by statute in case of judicial sales, or such notice may be given in either of said methods as provided for in said deed of trust or contract lien; and such sales shall be made at public vendue, between the hours of 10 o'clock a. m., and 4 o'clock p. m., of the first Tuesday in any month; provided, that, when such real estate is situated in an unorganized county, such sale shall be made in the county to which such unorganized county is attached for judicial purposes.

Sec. 2. The fact that the statutes governing sales of real estate under deeds of trust have, by the decisions of this State, been construed to refer back and be governed by the law governing judicial sales that existed in 1889, creates a great deal of confusion and causes much litigation as to the method to pursue in making sales under deeds of trust; and the fact that it is costing the people of this State much time, money and litigation, creates an emergency, and an imperative public necessity, making

necessary the suspension of the constitutional rule requiring that all bills be read on three several days, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

LATTIMORE, Chairman.

Committee Room,

Austin, Texas, January 30, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred S. B. No. 75, "An Act to regulate the sale and vending of newspapers, books, cigars, fruits, confections or other merchandise on railway trains, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY of DeWitt, Chairman.

Committee Room,

Austin, Texas, January 30, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Labor, to whom were referred

S. B. No. 79, have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do not pass, but that the following, in lieu thereof, do pass:

"An Act to amend Article 5623, Title 86, Chapter 2, of the Revised Civil Statutes of the State of Texas, providing that the furnishers of material and labor may secure a lien on any house, building, improvement or railroad, by giving written notice to the owner, railroad company or receiver of items of material and labor furnished, and filing such account in the office of the county clerk, and providing, further, that the owner, railroad company or receiver shall cause to be executed written contract for such erection, repair or improvement, and cause same to be filed with the county clerk, and also cause to be executed and filed with said county clerk, before work is begun, a good and sufficient bond by the contractor, and providing, further, when such bond and contract are executed and filed, the owner, railroad company or receiver

shall pay no greater sum for labor performed or material furnished than the price stipulated in the original contract; and providing, further, that the execution of the bond shall not preclude any furnisher of material, mechanic, artisan or laborer from recovering or fixing a lien; and by adding Article 5623a, requiring the owner, railroad company or receiver to take from contractor a good and sufficient bond payable to the owner, railroad company or receiver, and providing, further, that the bond shall guarantee the payment of all claims, and authorizing suit to be brought on such bond; and providing, further, that no change in the plans, building, construction or method of payment shall affect the bond, and limiting the defense of the sureties; and by adding Article 5623b, providing that Articles 5623 and 5623a shall not be construed to deprive material men, artisans, laborers or mechanics of any rights or remedies now given them by law, and stipulating that the provisions of said Articles shall be cumulative; and by adding Section 4, declaring an emergency."

M'NEALUS, Chairman.

#### Petitions and Memorials.

Senator Johnson offered a petition signed by citizens of Goodnight, Armstrong County, favoring bill providing four days' rest per month for agents and operators.

Senator Lattimore presented petition from Farmers' Union of Tarrant County, in opposition to the full crew bill.

Senator Townsend presented resolutions from the Bar of Houston County, favoring pending bill changing the terms of the district court for the Third Judicial District, and opposing the abolition of the office of district attorney in said district.

Senator McNealus offered the following several petitions:

Resolutions from the Trinity Rod and Gun Club of Dallas, opposing H. B. No. 105, prohibiting the use of automatic and repeating guns. Also two numerous signed petitions from citizens of Dallas, protesting against the same.

A telegram from W. C. Swain and R. S. Loving was offered in opposition to the pending optometry bill.

A numerous signed petition opposing any legislation for the regulation of itinerant venders of medicines, extracts, spices, etc.

#### SIXTEENTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, February 2, 1915.

The Senate met at 1:30 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answered to their names:

Astin.	King.
Bailey of DeWitt.	Lattimore.
Bailey of Harris.	McNealus.
Bee.	Morrow.
Brelsford.	Nugent.
Clark.	Page.
Conner.	Parr.
Cowell.	Robbins.
Darwin.	Smith.
Gibson.	Suiter.
Harley.	Townsend.
Harris.	Westbrook.
Henderson.	Wiley.
Johnson.	

Absent.

Hall McGregor.

Absent—Excused.

Hudspeth.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Bee.

#### Simple Resolution No. 57—Seating New Member.

Senator Johnson offered the following resolution:

Whereas, The Hon. A. R. McCollum, the duly elected and accredited successor to the Hon. H. B. Terrell, from the Eleventh Senatorial District, resigned, is at the bar of the Senate; therefore, be it

Resolved, That the President of the Senate appoint a committee of three to escort him to the President's stand for the purpose of taking the oath of office, and that he be seated